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JAY001/138737

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	David Jaye	Customer No.:	23,444
Serial No.:	10/674,368	Group No.:	1742
Date Filed:	09/29/2003		
For:	Method and Apparatus for Automatically Removing Zinc from Galvanizing Skimmings	Examiner:	Scott R. Kastler

**RESPONSE TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. Transmittal herewith is an Amendment in response to Office Action dated January 5, 2006.
2. Applicant is
  - ☒ a small entity.
  - ☐ other than a small entity

**CERTIFICATE OF MAILING (37 C.F.R. § 1.8)**

I hereby certify that this correspondence is, on the date shown below, being deposited with sufficient postage as First Class Mail, in an envelope addressed to the following: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 3/30/06

Coco H. Betancourt

Signature

Coco Hernandez-Betancourt

(type or print name of person certifying)

04/05/2006 YPOLITE1 00000020 10674368

01 FC:2252

225.00 OP

### EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete, as applicable)

- ☒ Applicant petitions for an extension of time under 37 C.F.R. § 1.136  
(fees: 37 C.F.R. § 1.17(a)(1)-(4) for the total number of months checked below:

Extension (months)	Fee <u>large entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input checked="" type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00
<input type="checkbox"/> five months	\$ 2,160.00	\$ 1080.00

Fee: \$ 225.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.
- ☒ Extension fee due with this request \$ 225.00

OR

- ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

### FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

Claims Remaining After Amendment	Highest No. Previously Paid For	Extra Present	Rate	Added Fee
Total: 20	20	0	\$50/25	\$0.00
Independent: 3	3	0	\$200/100	\$0.00
First Presentation of Multiple Dependent Claims:			\$360/180	\$0.00
Total Additional Fees:				\$0.00

(complete (c) or (d), as applicable).

- ☒ No additional fee for claims is required.

**OR**

- ☐ Total additional fee for claims required \$ 0.00

### FEE PAYMENT

5. ☒ Attached is our check in the sum of \$ 225.00
- ☐ Attached is our check in the sum of \$ \_\_\_\_\_ for a petition to revive an application.
- ☐ Charge Account No. 50-0897 (138737) the sum of \$ \_\_\_\_\_

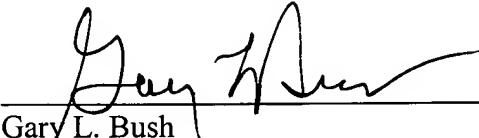
**FEE DEFICIENCY**

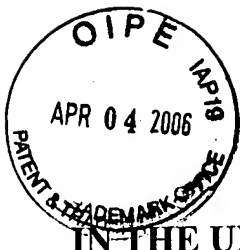
6. ☒ If any additional extension and/or fee is required, charge Account No. 50-0897  
(JAY001/138737)

**AND/OR**

- ☒ If any additional fee for claims is required, charge Account No. 50-0897  
(JAY001/138737)

Date: Mar 30, 2006

  
\_\_\_\_\_  
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Customer No. 23,444



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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION**

Dear Sir:

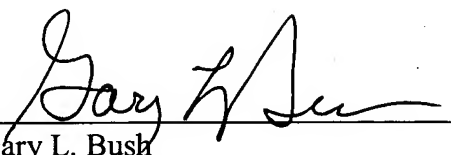
In response to the Office Action of January 05, 2006, Applicant elects the Invention II, consisting of Claims 9-20 and drawn to a skimmings processing unit. However, Applicant respectfully transgresses the restriction requirement. The Office Action of January 05, 2006 requires restriction between Claims 1-8 (Invention I) drawn to a method of removing a free zinc particulate from galvanizing skimmings and Claims 9-20 (Invention II) drawn to a galvanizing skimmings processing unit.

The Examiner alleges that "the apparatus [of Invention II] could be used in another, materially different process, such as the treatment of other, non-zinc metals." Applicant respectfully disagrees. The Examiner may have misunderstood the Applicant's claims and/or invention. The Examiner's statement implies that the apparatus of Invention II is used only to

treat zinc metals by the process of galvanization (i.e. coating with zinc). This is an incorrect statement and would be the equivalent of coating a zinc metal with a zinc metal coating. Instead, Applicant's Claims 9-20 claim a "galvanizing skimmings processing unit for use during hot dipping of *objects* within a galvanizing kettle." Applicant claims an apparatus for use during the treatment of *objects* by galvanizing them with a zinc coating. Moreover, the term, "galvanizing," as used in all of the Applicant's claims effectively limits Applicant's invention to an apparatus and method for use during the treatment of objects by "coating with zinc."

Applicant strongly urges the Examiner to withdraw the restriction requirement and examine all of Applicant's claims on the merits, because Applicant's apparatus *as claimed* cannot be used to practice another and materially different process. Furthermore, the search and examination of the entire application can be made without serious burden to the Examiner, because the prior art references used in the apparatus claims will be equally applicable to the method claims.

Respectfully submitted,

By:   
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Date: March 28, 2006